



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 6541-99

1 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 15 January 1965 at the age of 19. Your record reflects that on 14 December 1966 you were convicted by civil authorities of reckless driving and fined \$25.

Your record further reflects that on 26 January 1967 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded a \$20 forfeiture of pay. Shortly thereafter, on 25 February 1967, you were convicted by civil authorities of reckless driving and fined \$50. However, you failed to pay the fine and were sentenced to confinement for 30 days. On 1 and 16 May 1967 you were convicted by civil authorities of reckless driving, failure to report an accident, leaving the scene of an accident, and disposal of property under lien.

Subsequently, you were administratively processed for an other than honorable discharge by reason of unfitness due to frequent involvement of a discreditable nature with civil and military authorities. After consulting with legal counsel you waived your

right to present your case to an administrative discharge board. On 4 August 1967 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness. The discharge authority approved the foregoing recommendation and directed your commanding officer to issue you an other than honorable discharge. On 1 September 1967 you were so discharged.

The Board, in its review of your entire record and application considered all mitigating factors, such as your prior honorable service, good post service conduct, and letters of character reference. The Board also considered your contentions that you would like your discharge upgraded to honorable or under honorable conditions, your few minor disciplinary incidents did not warrant a discharge under other than honorable conditions, you did not receive proper counselling/legal representation, and your rights were improperly administered. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct in the civilian community. Further, this is no evidence in the record that any of the applicable regulations were violated. Given all the circumstances of your case the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a resumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director